

Serial No. 10/689,826
Docket No. 26503.0800

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REMARKS

In the November 17, 2005 Office Action, the Examiner rejected claims 1, 2, 6, 7, 12 and 13 pending in the application. Applicants amend claims 1 and 12. Upon entry of the foregoing amendment, claims 1, 2, 6, 7, 12, and 13 (2 independent claims; 6 total claims) remain pending in the application. Applicants request reconsideration in view of the above amendments and the following remarks.

Specification

The disclosure is objected to because of the following informalities: "Trademark problems." As requested by the Examiner, Applicants have amended the specification as indicated in the "Amendments to the Specification" section.

Claim Rejections

35 U.S.C. §112

Claims 1, 2, 6, and 7 stand rejected under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Applicants respectfully traverse this rejection. However, in the interest of speedy prosecution, Applicants have amended claim 1 as requested by the Examiner to recite "within".

35 U.S.C. §102

Claims 1, 6, 7, and 12 stand rejected under 35 U.S.C. §102(b) "as being anticipated by Jaker et al, U.S. Patent No. 5,676,688, issued October 14, 1997 ("Jaker"). Applicants respectfully traverse this rejection and provide the following arguments in support.

Jaker discloses a variably inflatable balloon membrane that can be inserted into a body cavity (see Abstract). The variably inflatable balloon membrane can then be inflated with sterile water or gas or the like to the desired pressure (see col. 10, lines 47-65) and the inflated membrane can be used as "an introducer/dilator or a surgical plug to stop or limit the loss of body fluids or surgical gases." (col. 11, lines 5-7) Jaker does not disclose a system for utilizing a membrane sheath to deliver a medical device as recited by the claims of the present invention.

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In order to expedite prosecution of the subject application, Applicants have amended independent claims 1 and 12 to further specify that "the medical device is advanced distally by the membrane sheath as the second end of the membrane sheath is drawn proximally over the second open end of the tube." Jaker does not teach or suggest such an element.

Dependent claims 6 and 7 depend from independent claim 1, so dependent claims 6 and 7 are differentiated from the cited reference for at least the same reasons as above, as well as in view of their own respective features. Accordingly, Applicants respectfully request reconsideration and the withdrawal of the Section 102 rejections with respect to claims 1, 6, 7, and 12.

35 U.S.C. § 103

Claims 1, 2, 12, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reydel et al., U.S. Patent Application Publication No. US 2001/0044595 A1 ("Reydel") in view of Blake, U.S. Patent No. 6,280,449, issued August 28, 2001 ("Blake"). Applicants respectfully traverse this rejection and provide the following arguments in support.

Reydel provides for an apparatus that reduces "friction of a medical device being introduced into a bodily passage." (paragraph 0048) The Reydel apparatus is used "to lay down a friction-reducing surface", however, the Reydel apparatus is not used to carry a device into the body.

Blake provides for a sleeve that is used to facilitate introducing an implant into the body, however, the Blake sleeve is not used to carry the implant into the body. Rather, a pusher element is used to push the implant through the sleeve and into the body, while the sleeve remains stationary.

In order to expedite prosecution of the subject application, Applicants have amended independent claims 1 and 12 to further specify that "the medical device is advanced distally by the membrane sheath as the second end of the membrane sheath is drawn proximally over the second open end of the tube." As discussed above, neither Reydel nor Blake teach or suggest such an element. Thus, even if Reydel and Blake were combined, the combination would not result in the invention of amended independent claims 1 and 12.

Dependent claims 2 and 13 variously depend from independent claims 1 and 12, so dependent claims 2 and 13 are differentiated from the cited references for at least the same

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reasons as above, as well as in view of their own respective features. Accordingly, Applicants respectfully request reconsideration and the withdrawal of the Section 103 rejections with respect to claims 1, 2, 12, and 13.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that all of the pending claims fully comply with 35 U.S.C §112 and are allowable over the cited references. Reconsideration of the application is respectfully requested. Should the Examiner wish to discuss any of the above in greater detail, then the Examiner is invited to contact the undersigned at the Examiner's convenience.

Respectfully submitted,

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